

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America

v.

FRANK BASSOO,

Defendant(s)

Case No. 19-mj-02682 AOR

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 14-22, 2019 in the county of Miami-Dade in the
Southern District of Florida, and elsewhere, the defendant(s) violated:

*Code Section**Offense Description*

Title 8, United States Code, Section
 1324(a)(1)(A)(v)(I)

Conspiracy to encourage and induce an alien to come to, enter, and reside in
 the United States.

This criminal complaint is based on these facts:

See Attached Affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

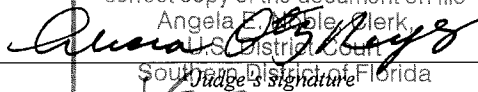
Michelle Brown, Special Agent, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/01/2019City and state: Miami, Florida

Certified to be a true and
 correct copy of the document on file
 Angela E. Noble, Clerk,
 U.S. District Court,
 Southern District of Florida

*Judge's signature*

Hon. Alicia M. Otazo Reyes, U.S. Magistrate Judge

Date 5/1/19 *Printed name and title*

AFFIDAVIT

I, Michelle Brown, being duly sworn, do hereby depose and state:

INTRODUCTION

1. I am a Special Agent with Homeland Security Investigations (“HSI”), and have been since 2014. Prior to working for HSI, I was a special agent with the Small Business Administration, Office of Inspector General and the Internal Revenue Service, Criminal Investigation Division beginning in 2002 conducting investigations relating to financial crimes. I am currently assigned to the Human Smuggling Group in the HSI Miami Office where I am responsible for conducting investigations regarding violations of federal laws, particularly those laws found in Titles 8, 18, 19 and 21 of the United States Code.

2. This Affidavit is submitted in support of a criminal complaint charging that Frank BASSOO, a naturalized United States Citizen, did knowingly conspire to encourage and induce aliens to come to, enter, and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry, and residence, is and will be in violation of the law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I).

3. The statements contained in this Affidavit are based on my personal knowledge, as well as information provided to me by other law enforcement officers and law enforcement support personnel. Because this Affidavit is submitted for the limited purpose of establishing probable cause for a criminal complaint, it does not include every fact known to me in connection with this investigation. I have only set forth the facts that I believe are necessary to establish probable cause.

PROBABLE CAUSE

4. Law enforcement became aware that Marcia PESTANO ("PESTANO") operated alien smuggling ventures from various third countries, through the Bahamas, to the United States. PESTANO's organization used maritime smuggling for the final leg of the smuggling venture, and her organization was linked to and responsible for the use of non-seaworthy vessels on previous ventures. Law enforcement decided to target PESTANO's operation through various investigative means, including use of undercover ("UC") agents.

5. On or about April 14, 2019, PESTANO met with and paid approximately \$24,900 in United States currency and approximately 6,100 Bahamian dollars to a UC agent ("UCA-1") to smuggle seven undocumented aliens ("UDAs") from Freeport, Bahamas, to the United States.

6. On or about April 15, 2019, PESTANO arranged for seven (7) UDAs to travel by boat from Freeport, Bahamas, to South Florida. Unbeknownst to PESTANO, the boat was surreptitiously operated by UCA-1 and other U.S. law enforcement. Once the boat arrived in Miami, Florida, it was interdicted by United States Customs and Border Protection's Office of Air and Marine (CBP AMO) and the United States Coast Guard (USCG). In total, there were twelve (12) UDAs on board the boat, however, PESTANO only directly negotiated for the aforementioned seven (7) UDAs.

7. The UDAs were landed at the USCG Station in Miami Beach, Florida. United States Border Patrol (USBP) agents arrived at the USCG Station and conducted an immigration inspection on all twelve (12) subjects. All subjects were determined to be UDAs from various countries with no authority to enter or remain in the United States lawfully. The UDAs were transported to the USBP Station in Dania Beach, Florida for processing and interview.

8. On or about April 15, 2019, HSI, in a UC capacity posing as smugglers, also met with BASSOO in North Miami Beach, Florida. BASSOO told UC agents (“UCA-2” and “UCA-3”) he was working for “Julie” (later identified as PESTANO) and had come from New York to pick up seven (7) of the UDAs. The UC agents showed BASSOO a text message they had received from “Julie” about the seven UDAs and confirmed that BASSOO was there to pick up the seven UDAs at her direction. The number “Julie” used to communicate with the UC agents is associated with PESTANO.

9. BASSOO also offered to pay smuggling fees and showed the UC agents a plastic bag, which appeared to have a large sum of United States currency in it. The UC agents declined to take the currency because the UDAs were not in the United States yet and concluded the meeting.

10. During this investigation, law enforcement identified “Julie” as PESTANO. HSI and USBP agents conducted interviews of the UDAs at the USBP Station. Multiple UDAs stated they arranged their smuggling venture with a woman named “Julie.” Some of the UDAs were shown photographic arrays that included a picture of PESTANO and identified her as the person they knew as “Julie.”

11. Between April 16, 2019 and April 22, 2019, PESTANO contacted another UCA (“UCA-4”) who was posing as a corrupt government official. PESTANO sought assistance from UCA-4 to get the seven (7) UDAs out of immigration detention so that she would not lose the money she was supposed to earn for arranging for them to be smuggled to the United States. UCA-4 was able to record numerous conversations and phone calls with PESTANO during which she discussed alien smuggling activities and exhibited knowledge of the UDAs lack of lawful ability to enter or reside in the United States. During one call, she requested that UCA-4

let the UDAs, who were still in immigration custody, know that “Julie” was going to take care of them. PESTANO also requested UCA-4 assist with her own travel to the United States, so she could personally facilitate the release of the UDAs.

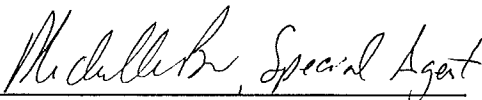
12. On or about April 18, 2019, UCA-4 received a total of \$9,000 via wire from two different bank accounts. The money was sent to UCA-4 to facilitate the release of the seven UDAs PESTANO had negotiated to be smuggled on the maritime smuggling venture. The first transaction in the amount of \$4,500 was conducted at a Bank of America in Queens, New York. The second transaction in the amount of \$4,500 was conducted at a Chase Bank at an unknown location. Photos of a bank transaction printout provided to UCA-4 by PESTANO identified the Chase Bank account as belonging to “MR. FRANK BASSOO.” Agents suspect the first \$4,500 USD transaction was also sent by BASSOO as the Bank of America where the transaction occurred was approximately 2.5 miles from BASSOO’s home address and was sent approximately one-hour prior to the second transaction at Chase Bank.

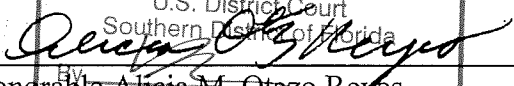
13. On April 22, 2019, PESTANO was arrested in Doral, Florida. PESTANO provided agents with verbal and written consent to search one of two phones found on her person and provided written notice of abandoning any ownership interest in the other. Both phones contained BASSOO’s phone number. Phone analysis revealed phone contacts between one of the phones found on PESTANO’s possession and BASSOO’s phone between April 14, 2019 to April 21, 2019.

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14. Based upon the foregoing, I respectfully submit that there is probable cause to believe that Frank BASSOO did knowingly conspire to encourage and induce aliens to come to, enter, and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry, and residence is and will be in violation of law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I).

FURTHER YOUR AFFIANT SAYETH NAUGHT.


Michelle Brown Special Agent
Homeland Security Investigations

Subscribed and sworn to before me
this 1st day of May 2019.
Certified to be a true and
correct copy of the document on file
Angela E. Noble, Clerk,
U.S. District Court
Southern District of Florida

Honorable Alicia M. Otazo Reyes
United States Magistrate Judge
Deputy Clerk

UNITED STATES DISTRICT COURT

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v.

FRANK BASSOO,

Defendant

Case No.

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ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay*(name of person to be arrested)* FRANK BASSOO

who is accused of an offense or violation based on the following document filed with the court:

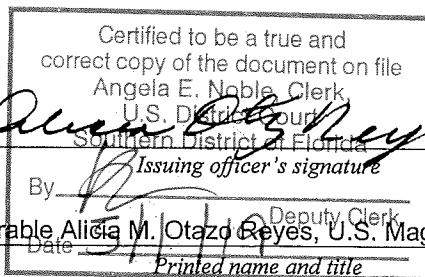
- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Conspiracy to Encourage and Induce Aliens to Enter the United States, in violation of 8 U.S.C. § 1324(a)(1)(A)(v)(I).

Date: 05/01/2019

City and state: Miami, Florida



Return

This warrant was received on *(date)* _____, and the person was arrested on *(date)* _____
 at *(city and state)* _____.

Date: _____

*Arresting officer's signature**Printed name and title*